



U.S. DEPARTMENT of STATE

Slovenia

Country Reports on Human Rights Practices - [2004](#)

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Slovenia is a parliamentary democracy and constitutional republic. Power is shared between a directly elected president (head of state), a prime minister (head of government), and a bicameral parliament, composed of the National Assembly (lower house) and the National Council (upper house). On October 3, the country held free and fair elections for seats in the National Assembly. The judiciary is independent.

The Ministry of Interior (MOI), which was responsible for internal security, maintained effective control of the police. By law, the armed forces did not exercise civil police functions. A few members of the security forces committed isolated human rights abuses.

The country continued its transition from a centrally planned to a market economy. The population was approximately 2 million. Manufacturing accounted for most employment, with machinery and other manufactured products constituting the major exports. For the year, growth in the gross domestic product was estimated at 4 percent and inflation at 3.2 percent.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Police in several cases allegedly used excessive force against detainees. Credible sources alleged that media self-censorship existed as a result of indirect political and economic pressures. Violence against women was a problem. Trafficking in women and girls through and to the country for sexual exploitation was a problem. Minorities (including former Yugoslav residents without legal status and certain Romani communities) reported some governmental and societal discrimination.

RESPECT FOR HUMAN RIGHTS

Section 1

Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, in a few cases human rights observers alleged that police used excessive force such as kicks, punches, and pushes during arrest.

Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers. Male and female prisoners were held separately, juvenile offenders were held separately from adults, and convicted criminals were held separately from pretrial detainees.

d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Police are centrally organized under the supervision of the Police and Security Bureau of the MOI. The Bureau oversees the drafting of basic guidelines, security policy, and regulations governing the work of the police and exercises special inspectorial

authority in monitoring police performance, with an emphasis on the protection of human rights and fundamental freedoms. The General Police Administration, headed by the General Director of the Police, has overall responsibility for the execution of police duties and oversees activities at the national level. Regional police duties are under the jurisdiction of police administration units, whose directors report to the General Director. Local police tasks fall to individual police stations, whose commanders report to the director of the relevant police administration.

During the year, the independent Commission for the Prevention of Corruption received nine credible reports of police corruption, which were referred to the police for further investigation. There had been no prosecutions, trials, or dismissals based on the reports by year's end. Police corruption and abuse initially are investigated internally. If there is evidence of wrongdoing, the officers involved may be referred to the MOI or the prosecutor's office, depending on the severity of the breach.

Detainees have the right to contact a legal counsel upon arrest, and authorities generally respected this right in practice. Authorities must advise detainees in writing within 24 hours of the reasons for the arrest. Detention may last up to 6 months before charges are brought; once charges are brought, detention may be extended for a maximum of 2 years. Persons detained more than 2 years while awaiting trial or while their trial is ongoing must be released pending conclusion of their trial (see Section 1.e.). Lengthy pretrial detention was not a widespread problem, and defendants generally were released on bail, except in the most serious criminal cases. The law also provides safeguards against self-incrimination.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice. The judiciary generally provided citizens with a fair judicial process; however, court backlogs sometimes resulted in lengthy trials.

The judicial system consists of district courts, regional courts, courts of appeals, an administrative court, and the Supreme Court. A nine-member Constitutional Court rules on the constitutionality of legislation, treaties, and international agreements and is the highest level of appeal for administrative procedures. Judges, elected by the National Assembly upon the nomination of the Judicial Council, are constitutionally independent. The Judicial Council is composed of six sitting judges elected by their peers and five presidential nominees elected by the Parliament.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right; however, the judicial system was overburdened and, as a result, the judicial process frequently was protracted. In some cases, criminal trials have lasted from 2 to 5 years.

There were no reports of political prisoners.

Eligibility to file a claim for denationalization of property depends on the citizenship of the claimant at the time the property was nationalized; however, current citizenship is not a factor in how the claims are processed. The Government did not track the claims of non-citizens separately from those of citizens. Claims filed by individuals who were not resident in the country took longer to resolve because they commonly did not have local legal representation actively engaged in monitoring their cases and because it took longer for them to gather and submit required supporting documentation. Court backlogs also contributed to delays in resolving claims for denationalization of property.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice and did not restrict academic freedom; however, there were reports that indirect political and economic pressures continued to influence the media, resulting in occasional self censorship. There were credible reports that advertisers pressured media outlets to manipulate their presentation of public issues.

The press was active and independent; however, major media did not represent a broad range of political or ethnic interests. The major print media were supported through private investment and advertising, and the Government owned substantial stock in many of the companies that were shareholders in the major media houses. Three of the six national television channels were part of the government-subsidized RTV Slovenia network. Cultural publications and book publishing received government subsidies.

All major towns had radio stations and cable television. A newspaper was published for the ethnic Italian minority living on the Adriatic coast. Bosnian refugees and the Albanian community had newsletters in their own languages. Numerous foreign broadcasts were accessible via satellite and cable, and foreign newspapers, magazines, and journals were widely available. Minority language television and radio broadcasts were available.

The law requires the media to offer free space and broadcasting time to political parties at election time. Television networks routinely provided public figures and opinion makers from across the political spectrum access to a broad range of programming and advertising opportunities.

On February 10, the Maribor District Prosecutor filed five indictments in connection with the 2001 beating of investigative journalist Miro Petek, and a trial commenced on May 20. On June 8, a special National Assembly commission looking into the Government's role in the police investigation of the beating and trial stated that a determination of political interference could not be made. The trial was not concluded at year's end.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

There were no formal requirements for recognition as a religion by the Government. Religious communities must register with the Government's Office for Religious Communities if they wish to be legal entities, and registration entitles such groups to value added tax rebates. In response to complaints from several groups that the office had failed to act on their registration applications, the Secretary General of the Government in June clarified registration procedures and instructed the office to process outstanding applications. During the year, the office had approved four out of six applications; two applications were still pending at year's end.

The Constitution states that parents are entitled to give their children "a moral and religious upbringing." Only those schools supported by religious bodies taught religion.

The law provides for denationalization (restitution or compensation) of church property--church buildings and support buildings, residences, businesses, and forests--nationalized after World War II by the Socialist Federal Republic of Yugoslavia. By the end of September, the Government had finalized 33,874 (89 percent) of the 38,216 denationalization claims filed.

In early October, a Jewish family grave was desecrated; police had not identified the perpetrators by year's end. Jewish community representatives reported prejudice, ignorance, and false stereotypes and negative images of Jews within society. Negative images of Jews were common in private commentary, and citizens generally did not consider Jews to be a native population.

The Government promoted antibias and tolerance education in the primary and secondary schools, and the Holocaust was an obligatory topic in the contemporary history curriculum. The country designated May 9 as a day of remembrance commemorating the end of World War II and the liberation of Ljubljana; some municipalities also included remembrance of the Holocaust on this day.

Societal attitudes toward the minority Muslim and Serbian Orthodox communities were generally tolerant; however, some persons feared the possible emergence of Muslim fundamentalism, and representatives of several opposition political parties spread this fear.

According to the 2002 census, 2.4 percent of the population of the country is Muslim. While there are no governmental restrictions on the Muslim community's freedom of worship, services commonly were held in private homes under cramped conditions. In December 2003, 34 years after the project was originally proposed, the Ljubljana Municipal Council approved zoning changes that would permit construction of a mosque. In February, opponents of the mosque's construction gathered enough signatures to call a referendum on whether to permit required zoning changes. On July 12, the Constitutional Court blocked the referendum on the grounds that it would violate the constitutional provision providing for freedom of religion. At year's end, the Islamic community had selected a plot of land for the mosque and was moving ahead with construction plans.

Interfaith relations were generally amicable, although the majority Catholic Church viewed foreign missionary groups as aggressive proselytizers.

For a more detailed discussion, see the [2004 International Religious Freedom Report](http://www.state.gov/g/drl/rls/hrrpt/2004/41708.htm).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice. The Constitution prohibits forced exile, and the Government did not employ it.

The Constitution provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has established a system for providing protection to refugees. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution. The Government granted refugee status or asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

Since most potential refugees viewed the country as a transit point rather than a destination, few stayed long enough to be processed as refugees. During the year, the country granted refugee status to 39 persons and humanitarian refugee status to an additional 74 persons. The issue of the provision of temporary protection did not arise during the year.

Section 3

Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens generally exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. On October 3, the country held free and fair elections for seats in the National Assembly and, on June 13, for seats in the European Parliament. In 2002, Janez Drnovsek was elected President in free and fair elections.

During the year, the independent Commission for the Prevention of Corruption noted six reports of corruption among politically appointed functionaries of the Government and one report of corruption within the National Council. On December 9, an Appeals Court sentenced former State Secretary in the Ministry of Economy Boris Sustar to a 2-year prison term and a \$27,890 (5 million tolar) fine for his involvement in a 2000 bribery scandal. The independent Commission for the Prevention of Corruption played an active role in educating the public and civil servants about corruption; however, at year's end, the Commission had neither adequate staff nor adequate funding to fulfill its mandate. On March 30, the Penal Code was amended to define corruption in line with the Organization for Economic Cooperation and Development's Convention on Bribery. On December 21, the National Assembly approved the use of a form that requires public servants to make financial disclosures.

The law provides for free public access to all information controlled by state or local institutions and their agents. The Government provided such access for both citizens and non citizens alike, including foreign media. The Government may deny access to public information only if information is classified, it contains personal data protected by privacy laws, and in certain other narrowly defined exceptions.

There were 14 women in the 90-seat National Assembly and 3 women in the 40-seat National Council. A total of 3 of 16 cabinet ministers were women.

There were 2 members of minorities in the 90-seat National Assembly and none in the 40-seat National Council. The Constitution provides the "autochthonous" (indigenous) Italian and Hungarian minorities the right, as a community, to have at least one representative in the Parliament. However, the Constitution and law do not provide any other minority group, autochthonous or otherwise, the right to be represented as a community in Parliament. In June 2003, the U.N. Committee on the Elimination of Racial Discrimination (CERD) issued a report recommending that the Government take further measures to ensure that all groups of minorities are represented in Parliament.

Twenty distinct Romani communities, each designated autochthonous at the local level, are entitled to a seat on their local municipal councils. At year's end, one municipality (Grosuplje) was not in compliance with this law.

Section 4

Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international independent human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

An Ombudsman for Human Rights operated independently of government or party control, interference or influence. The Ombudsman reported that his office had both the staff and resources to be effective and that he enjoyed good cooperation with the Government. The Ombudsman issues an annual report with wide ranging recommendations that is made available to the public. The Government took some steps to address the problems raised in the report.

Section 5

Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution provides for equality before the law regardless of race, sex, disability, language, or social status. The Constitution provides special rights for the autochthonous Italian and Hungarian ethnic communities and for the small Romani community; these provisions were generally respected in practice.

Women

Violence against women occurred and was underreported; however, awareness of spousal abuse and other violence against women increased. SOS Phone, a nongovernmental organization (NGO) that provided anonymous emergency counseling and services to domestic violence victims, received thousands of calls during the year. The Government partially funded 9 shelters for battered women, which operated at capacity (approximately 109 total beds) and turned away numerous women. When police received reports of spousal abuse or violence, they actively intervened and prosecuted offenders.

Rape, including spousal rape, is illegal but the latter was rarely reported. The NGO Amnesty International estimated that one in seven Slovenian women is raped during their lifetime but that only 5 percent seek assistance or counseling. The police actively investigated reports of rape and prosecuted offenders.

Prostitution is illegal but decriminalized. Antitrafficking authorities and NGOs informally estimated that as many as 80 bars and clubs across the country could be engaged in prostitution. Trafficking in women for the purpose of sexual exploitation was a problem (see Section 5, Trafficking).

The law does not explicitly prohibit sexual harassment; however, it may be prosecuted under sections of the Criminal Code that prohibit sexual abuse. Sexual harassment and violence remained serious problems.

Government policy provides for equal rights for women, and there was no official discrimination against women or minorities in housing, jobs, or education. In rural areas, women, even those employed outside the home, bore a disproportionate share of household work and family care because of a generally conservative social tradition. However, women frequently were active in business and in government executive departments. Although both sexes had the same average period of unemployment, women frequently held lower paying jobs. On average, women's earnings were 90 percent of those of men. The Government's Office of Equal Opportunities promotes nondiscrimination between women and men.

Children

The Constitution stipulates that children "enjoy human rights and fundamental freedoms consistent with their age and level of maturity," and the Government was committed to protecting children's rights and welfare.

The Government provided compulsory, free, and universal primary school education for children through grade 9 (ages 14 and 15) and up to 4 additional years of free, voluntary secondary school education. Ministry of Education statistics showed an attendance rate of nearly 100 percent of school age children, with most children completing secondary school. The Government provided universal health care for all citizens, including children.

Child abuse was a problem; however, there was no societal pattern of abuse of children. The law provides special protection for children from exploitation and mistreatment. Social workers visited schools regularly to monitor any incidents of mistreatment or abuse of children.

Trafficking in girls for the purpose of sexual exploitation was a problem (see Section 5, Trafficking).

Trafficking in Persons

On June 17, the Penal Code was amended to specifically criminalize trafficking in persons; nevertheless, trafficking of women and girls through, to, and from the country remained a problem. Penalties for trafficking range from 1 to 10 years' imprisonment. Persons can also be prosecuted for rape, pimping, procurement of sexual acts, inducement to prostitution, sexual assault, and other related offenses. Regional police directorates had departments that investigated trafficking and organized crime. During the year, 12 persons were prosecuted for "forced slavery," and one was prosecuted for trafficking in human beings; all of the trials were ongoing at year's end.

The country was primarily a transit, and secondarily a destination, country for women and teenage girls trafficked from Southeastern, Eastern, and Central Europe to Western Europe and North America. The country was also a country of origin for a small number of women and teenage girls trafficked to Western Europe. Victims were trafficked for purposes of sexual exploitation.

A 2003 study by the International Organization for Migration reported that traffickers lured victims from Eastern Europe and the Balkan countries through offers of employment without indicating that it would involve the sex industry, media advertisements promising high wages, offers of employment as entertainers and dancers, and offers of marriage. Harsh conditions in their home countries also contributed to the willingness of some women to enter into prostitution, not knowing they would become trafficking victims, subjected to severe conditions.

Traffickers reportedly subjected some trafficking victims to violence.

There were no reports that government officials were involved in trafficking.

Organized crime was responsible for some of the trafficking. In general, authorities did not treat trafficking victims as criminals; however, they usually were voluntarily returned to their home country either immediately upon detention or following their testimony in court.

The Government's National Coordinator for Trafficking in Persons and Interagency Working Group on Trafficking in Persons have put forward a long-term national strategy to combat trafficking. The working group, which includes representatives of different ministries, NGOs, international organizations, and the media, established standard operating procedures for first responders to ensure that victims receive information about the options and assistance available to them.

The domestic NGO Kljuc, which received some government funding in August, had a memorandum of understanding with the MOI that provided victims immunity from prosecution and temporary legal status, including work permits and access to social services. In April, Kljuc signed another memorandum with the police stipulating that police units would contact Kljuc during raids or investigations that potentially involved trafficking victims. Kljuc also worked to raise public awareness of trafficking, provide legal assistance, counseling, and other services to victims, and train police.

The MOI produced pamphlets and other informational materials for NGO-run awareness programs to sensitize potential target populations to the dangers of and approaches used by traffickers. The Ministry also worked with NGOs to provide specialized training to police and to assist the small number of victims with reintegration.

Persons with Disabilities

There was generally no discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other government services. The law mandates access to buildings for persons with disabilities, and the Government generally enforced these provisions in practice. Modifications of public and private structures to ease access by persons with disabilities continued, although at a slow pace. The Ministry for Labor, Family and Social Affairs has primary responsibility for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities

According to the 2002 census, minorities made up approximately 17 percent of the population and included 35,642 Croats, 38,964 Serbs, 21,542 Bosniaks (Bosnian Muslims), 10,467 Muslims, 6,243 Hungarians, 6,186 Albanians, 3,246 Roma, and 2,258 Italians.

The Constitution provides special rights and protections to autochthonous Italian and Hungarian minorities, including the right to use their own national symbols and have bilingual education and the right for each to be represented as a community in Parliament (see Section 3). The Romani minority does not have comparable special rights and protections. The Constitution provides that "the status and special rights of Gypsy communities living in Slovenia shall be such as are determined by statute." By year's end, Parliament had not enacted laws to establish such rights for the Romani community. A study funded by the European Community estimated that 40 percent of Roma in the country were autochthonous.

On May 16, an outbreak of societal violence between the Romani community living near Krka and the local inhabitants reportedly resulted in the injury of several persons.

Many Roma lived in settlements apart from other communities that lacked basic utilities such as electricity, running water, sanitation, and access to transportation. Romani representatives reported that some local authorities developed segregated substandard housing facilities to which Romani communities were forcibly relocated. Romani representatives also reported that Romani children often attend segregated classes and were selected by authorities in disproportional numbers to attend classes for students with special needs. In July, the Government provided funding for a program to desegregate and expand Romani education by training Romani educational facilitators and create special enrichment programs in public kindergartens. The Government has not developed a bilingual curriculum for Roma on the grounds that there is not a standardized Romani language. However, the Government has funded research into codification of the language.

Romani representatives also reported discrimination in employment, which complicated their housing situation, and that Roma were disproportionately subject to poverty and unemployment. A 2003 report funded by the European Commission noted that the unemployment rate among Roma was 87 percent.

The law provides Romani political representatives with a seat in 20 municipal councils based on their autochthonous status in those communities. At year's end, only the municipality of Grosuplje had not complied with this law. In a June 2003 report, the CERD expressed concern that discriminatory attitudes and practices against the Roma persisted and that the distinction between "indigenous" Roma and "new" Roma could give rise to new discrimination. Ethnic Serbs, Croats, Bosnians, Kosovar Albanians, and Roma from Kosovo and Albania were considered "new" minorities; they were not protected by the special constitutional provisions for autochthonous minorities and faced some governmental and societal discrimination.

Regularization of status for non-Slovenian former Yugoslav citizens remained an issue. The MOI reported that, at year's end, it had 3,026 pending applications for citizenship. During the year, it positively adjudicated 3,096 applications for citizenship and

denied 477 applications. The MOI also reported that, at year's end, it had 985 pending applications for permanent residency. During the year, it positively adjudicated 3,976 applications for permanent residency and denied 254 applications.

Some Yugoslavs residing in the country at the time of independence did not apply for citizenship in 1991-92 and subsequently found their records were "erased" from the population register. The deletion of these records from the population register has been characterized by some as an administrative decision and by others as an ethnically motivated act. In April 2003, the Constitutional Court ruled unconstitutional portions of a law governing the legal status of former Yugoslav citizens because it does not recognize the full period in which these "erased" persons resided in the country, nor does it provide them the opportunity to apply for permanent residency. There were approximately 18,305 persons in the country who had their records erased. At year's end, the Government had not completed legislation to resolve the Court's concerns.

Other Societal Abuses and Discrimination

The Constitution prohibits discrimination based on sexual orientation; however, there was societal discrimination against homosexuals. According to a poll of members of the gay and lesbian community conducted in 2001 by the domestic NGO Student Cultural Artistic Center, 49 percent of respondents had experienced some form of violence or harassment based on their sexual orientation, more than 20 percent reported discrimination in the workplace, and 7 percent reported discrimination in health care and in matters relating to tenancy.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides that unions and their membership shall be free, and workers formed and joined unions of their choice without previous authorization or excessive requirements. All workers, except police and military personnel, were eligible to form and join labor organizations. Approximately 35 percent of the workforce was unionized.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The law provides for the right to bargain collectively, and it was freely practiced; however, the law requires that 10 percent of the workers in an industry sector be union members before collective bargaining can be applied to the sector as a whole. A large majority of workers were bound by collective bargaining contracts. The Constitution provides for the right to strike, and workers exercised this right in practice. The law restricts strikes by some public sector employees, primarily the police and members of the military services. There are no special laws or exemptions from regular labor laws in the country's three export processing zones in Koper, Maribor, and Nova Gorica.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see Section 5).

d. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for employment was 15; however, during the harvest season or for other farm chores, younger children worked. Urban employers generally respected the age limits. The Ministry of Labor is responsible for monitoring labor practices and has inspection authority; police are responsible for investigating any violation of the law.

e. Acceptable Conditions of Work

The national monthly minimum wage of approximately \$622 (111,484 tolar) provided a decent standard of living for a worker and family. The law limits the workweek to 40 hours and provides for minimum annual leave of 20 days. The Ministry of Labor is responsible for monitoring labor practices and has inspection authority; police are responsible for investigating any violation of the law. The law was enforced effectively.

Special commissions under the Ministries of Health and Labor set and enforced standards for occupational health and safety. Workers had the right to remove themselves from dangerous work situations without jeopardy to their continued employment; however, it was not clear to what extent they could do so in practice.

Legally employed workers enjoyed the same rights and working conditions as citizens; however, since foreign workers were more likely to be engaged in illegal work than citizens, they generally had poorer rights and working conditions in practice.